

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

VICTORIA KATSIKIS,

Plaintiff,

COMPLAINT

-against-

ROCKEFELLER UNIVERSITY,

Index No. _____

Defendant.

-----X

TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, VICTORIA KATSIKIS, by and through undersigned counsel, respectfully shows to this Court and alleges as follows:

Introduction

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. The Plaintiff, when she was a minor, was sexually assaulted by Dr. Reginald Archibald (“Dr. Archibald”), former professor and senior physician at Rockefeller University and its hospital, Rockefeller University Hospital.

Parties, Jurisdiction and Venue

1. Plaintiff, VICTORIA KATSIKIS, (hereafter, “VICTORIA”) is a citizen and resident of the State of Georgia.

2. Defendant, Rockefeller University, (hereafter, “RU”), is a private graduate university in New York City. RU operates and controls The Rockefeller University Hospital (“RUH”), also located in New York City. RU is a citizen and resident of the State of New York.

3. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

4. Personal jurisdiction lies over Defendant as it is present and domiciled in the State of New York.

5. Venue of this action lies in New York County as a substantial part of the events or omissions giving rise to the claim occurred in New York County.

Statement of Facts

6. Dr. Archibald was a professor and senior physician of RU and RUH from approximately 1940 until 1982. Dr. Archibald studied childhood growth and sexual maturity. He also treated pediatric patients at RUH who had growth issues in his endocrine clinic.

7. In approximately 1969-70, VICTORIA was undersized for her age and went to Dr. Archibald for examination and treatment. Dr. Archibald requested that VICTORIA's mother bring her brother, PETER KATSIKIS, who was also sexually assaulted by Dr. Archibald, to his office for purposes of a comparison study in the evaluation of his sister. VICTORIA's mother, who was very concerned about her growth, agreed.

8. Dr. Archibald and RUH had VICTORIA's mother sign a form granting RUH permission to take photographs of VICTORIA "only for medical and professional purposes."

9. VICTORIA was four years old at the time she encountered Dr. Archibald. When VICTORIA arrived at Dr. Archibald's office, she was instructed to remove all of her clothes and put on a cloth hospital gown. She was then brought into an examining room. Dr. Archibald entered the room without an escort.

10. While alone in the examination room, Dr. Archibald sexually abused VICTORIA by touching her vagina and anus.

11. Upon information and belief, Dr. Archibald took photos of VICTORIA while she was naked for his sexual gratification with no medical purpose.

Knowledge and Concealment of Acts of Sexual Abuse by Reginald Archibald

12. At all relevant times RU, through its employees and agents, knew that Dr. Archibald, under its supervision and control, was sexually inappropriate with minor male patients.

13. Upon information and belief, in 1961, the President of RU was made aware of an investigation conducted into Dr. Reginald Archibald by the New York City District Attorney's Office in relation to treatment of two minor patients, prompted by a complaint.

14. Upon information and belief, by the early 1960's, various staff members, including nurses in Dr. Archibald's office, were aware of Dr. Archibald's medically unjustified procedures and examination of child patients.

15. Upon information and belief, the physician-in-chief from 1960-1974 received several complaints from patients, family members of patients or staff about Archibald's examinations of patients' genitals.

16. Further, the physician-in-chief knew of Dr. Archibald's medically unjustified practice of taking genital measurements of his minor patients.

17. Despite receiving credible allegations against Dr. Archibald of sexual assault, RU acted to conceal these allegations in an effort to avoid scandal and accountability.

Nature of Conduct Alleged

18. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of

sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77); and use of a child in a sexual performance if knowing the character and content thereof he employs, authorizes or induces a child less than seventeen years of age to engage in a sexual performance (N.Y. Penal Law §§ 263.05).

19. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendant acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with Dr. Archibald, to retain Dr. Archibald as a physician of RUH with unfettered access to children.

COUNT I
NEGLIGENCE

20. Plaintiff VICTORIA KATSIKIS repeats and realleges Paragraphs 1 through 19 above.

21. At all material times, RUH and Plaintiff were in a special relationship in which RUH owed Plaintiff a duty of reasonable care.

22. At all material times, RU and Dr. Archibald were in a special relationship of employer – employee, in which RU owed a duty to control the acts and conduct Dr. Archibald to prevent foreseeable harm.

23. RU owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of the RUH and Dr. Archibald, an agent of RU. RU's duties encompassed the retention and supervision of Dr. Archibald and otherwise providing a safe environment for Plaintiff.

24. RU breached these duties by failing to protect the minor, VICTORIA KATSIKIS,

from sexual assault and lewd and lascivious acts committed by an agent and employee of RU.

25. At all relevant times, RU knew or in the exercise of reasonable care should have known that Dr. Archibald had a propensity for the conduct which caused injury to Plaintiff, in particular, that he had a propensity to engage in the sexual assault of his child patients.

26. At all relevant times, it was reasonably foreseeable to RU that Dr. Archibald would commit acts of child sexual abuse or assault on child patients.

27. At all relevant times, RU knew or should have known that Dr. Archibald was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and/or protection.

28. With such actual or constructive knowledge, RU provided Dr. Archibald unfettered access to Plaintiff and gave him the opportunity to commit foreseeable acts of child sexual abuse or assault.

29. At all relevant times, RU created an environment which fostered child sexual abuse against children it had a duty to protect, including Plaintiff.

30. At all relevant times, RU had inadequate policies and procedures to protect children it was entrusted to care for and protect, including Plaintiff.

31. As a direct and proximate result of RU's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life. Plaintiff's injuries include, among other things, loss of innocence, low self-esteem, anger and lack of trust.

32. RU's acts and conduct shows a reckless or willful disregard for the safety and well-being of VICTORIA KATSIKIS.

WHEREFORE, Plaintiff demands judgment against RU for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Dated: New York, New York
September 24, 2019

By: 

Jeff Herman, Esq.
HERMAN LAW
434 W. 33rd St., Penthouse
New York, NY 10001
Tel: 212-390-0100
jherman@hermanlaw.com